FILED
APR 7 1902
JAMES H. McKENNEY,
Clerk

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1901.

No. ~~1047~~ 147 *Habeas Corpus.*

ED H. REID, APPELLANT,

vs.

ROBERT J. JONES, SHERIFF OF ARAPAHOE COUNTY, COLORADO, APPELLEE.

Appeal from the Circuit Court of the United States for the District of Colorado.

No. ~~1021~~ 269 *Criminal.*

ED H. REID, PLAINTIFF IN ERROR,

vs.

THE PEOPLE OF THE STATE OF COLORADO, DEFENDANTS IN ERROR.

Writ of Error to the Supreme Court of the State of Colorado.

MOTION TO ADVANCE.

TALBOT, DENISON & WADLEY,
Attorneys for Appellant and Plaintiff in Error.

WILLIAM M. SPRINGER,
Of Counsel.

THE SMITH-BROOKS PTG. CO., DENVER.

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1901.

No. 587. Habeas Corpus.

ED H. REID, APPELLANT,

vs.

ROBERT J. JONES, SHERIFF OF ARAPAHOE COUNTY, COLORADO, APPELLEE.

Appeal from the Circuit Court of the United States for the District of Colorado.

No. 592. Criminal.

ED H. REID, PLAINTIFF IN ERROR,

vs.

THE PEOPLE OF THE STATE OF COLORADO, DEFENDANTS IN ERROR.

Writ of Error to the Supreme Court of the State of Colorado.

MOTION TO ADVANCE.

Comes the said appellant and the plaintiff in error in the above entitled causes, and moves this honorable court to advance said causes upon the docket and hear the same as one cause during the present term, as the convenience of the term will permit, or at the earliest time practicable, and for the reasons therefor, he says:

First—In the first named of the above causes Ed. H. Reid, the petitioner in the court below and appellant in this court, sued out a writ of habeas corpus. He had been tried, convicted, and sentenced to be confined in the common jail of Arapahoe county, in the state of Colorado, by the District Court of Arapahoe county, for the full period of six months from the 26th day of June, A. D. 1901, for violation of an act of the Colorado legislature, entitled "An act to prevent the introduction of any infectious or contagious diseases among the cattle and horses of this state," approved March 21, 1885. He states, in his petition, that his said imprisonment is illegal, and in violation of the Constitution of the United States and of the laws of the United States, in this, that in June, 1901, he loaded upon cars, in the state of Texas, 882 head of cattle, for shipment through the state of Colorado to the state of Wyoming; that said cattle had previously been inspected, according to the laws of the United States, and according to the rules and regulations of the United States department of agriculture, and that the said cattle had been duly certified by a duly authorized inspector of said department to be free from any infectious disease; but that, without his consent and against his will, said cattle were detained and inspected at the Colorado state line by inspectors of the said state, and inspection fees were demanded of him for such inspection, as provided in the said statute of said state, and that he refused to pay such inspection fees. For his failure and refusal to pay said fees he was arrested, tried, convicted and imprisoned as aforesaid.

Second—That said petitioner applied to the judge of the United States Circuit Court for the district of Colorado for a writ of habeas corpus, for the purpose of securing a release and discharge from said imprisonment. That his application was denied, and that he thereupon took an appeal to this honorable court.

Third—In the other of said mentioned causes, after his trial, conviction and imprisonment as above set forth, the said Ed. H. Reid took an appeal from the judgment and sentence of the said District Court of Arapahoe county to the Supreme Court of the said state of Colorado; and that, upon

a final hearing in said Supreme Court, the said judgment of the said District Court of Arapahoe county was affirmed.

Fourth—That the said Ed. H. Reid thereupon sued out a writ of error to the Supreme Court of said state, in said cause, and has filed the record in this court.

Fifth—That both of said causes arise out of the same transaction, and involve the same questions, namely, that the said statute of the state of Colorado and the inspections and fees required thereunder are in violation of the Constitution and laws of the United States and of the rules and regulations of the United States department of agriculture, with all of which the petitioner had complied.

Sixth—That the first of said causes arises out of a criminal prosecution, and the second is a criminal case, and such cases may be advanced by leave of this court, on motion of either party, under paragraph 3 of rule 26. But, in addition thereto, said causes involve or affect a matter of general public interest; and there are special and peculiar circumstances which require an early hearing and determination of said causes by this honorable court, namely, that there are many thousands of cattle which are shipped every year from one state to another, and that the double and useless inspection of cattle so shipped at every state line, under local state laws, is a grievous and harrassing burden upon and interference with such shipments and with lawful interstate commerce.

For the foregoing and other reasons, which will be apparent to the court, the said appellant and plaintiff in error moves this honorable court to advance these causes on the docket, and determine the same at the earliest time practicable, in order that all persons concerned may be fully and judicially advised as to their rights and duties in such cases.

Respectfully submitted,

RALPH TALBOT,
JOHN H. DENISON,
W. H. WADLEY,
Attorneys for Appellant and Plaintiff in Error in said causes.

WILLIAM M. SPRINGER,
Of Counsel.

To Chas. C. Post, Esq., Attorney-General of Colorado, Attorney of Record for Appellee and Defendants in Error in said causes:

You are hereby notified that the appellant and plaintiff in error in the above entitled causes will, on Monday, the seventh day of April, A. D. 1902, on the meeting of the Supreme Court of the United States, in the city of Washington, or as soon thereafter as counsel can be heard, submit for the consideration of the court the foregoing motion.

RALPH TALBOT,
JOHN H. DENISON,
W. H. WADLEY,
Attorneys for Appellant and Plaintiff in Error.

Service of notice of the foregoing motion to advance is hereby acknowledged this 29th day of March, A. D. 1902.

CHAS. C. POST,
Attorney-General of Colorado,
Attorney for Appellee and Defendants in Error.